

Remarks

Claims 1-20 are pending.

Claims 1-20 were rejected by the Examiner.

Drawings

On the Office Action Summary, the drawings were listed as being objected to.

Applicants believe that this may be an error. The previous Office Action listed the drawings as having been accepted, and there is no explanation in the Detailed Office Action about any objections to the drawings.

Applicants request that the Examiner clarify if there is any objection to the drawings.

Response to Claim Rejections

Claims 1, 3-7, 13-14, 19-20 were rejected under 35 USC 103(a) as being unpatentable over Adams (US Publication No. 2002/0046232) in view of Hanson (US Publication No. 2004/018487) and further in view of Dobbins (US 2004/0199604).

With regard to claim 1, the Office Action states, “Hanson does teach transmitting a client-side application to a file-sharing user having a share file, the client-side application for generating metadata corresponding to the shared file...(paragraph 47, paragraph 65, lines 1-5).

Hanson, paragraph 47 states, “The metadata repository 210 contains metadata associated with all content which can be distributed through the DMCHP network. Attributes which may be contained in the metadata repository 210 include:” There is no indication from where the metadata comes, nor that there is any generation of the metadata by any clients.

Further, paragraph 65, lines 1-5 states, “A selling side *user interface (UI) module 250* provides a user interface which allows the user to become a provider by registering content on the DMCHP 200 and setting prices, reviewing purchase history, and reconciling accounts, for

example.” There is no indication that there is any ‘generation of metadata’ by a client-side application.

Further, the user interface module 250 is part of the DMCHP 200. Paragraph 46 states, “As shown in FIG. 2, DMCHP 200 is *comprised of these modules*.” The paragraph goes on to say that while the DMCHP is shown as a single entity in Figure 2, it may be distributed “over a number of *servers* or may be available from one or more redundant *servers*.”

The user interface module 250 is a module contained within the DMCHP, which in turn is distributed over a number of servers. Therefore, the user interface module is not a client-side module. Further, there is no mention anywhere in the Hanson reference that any code is downloaded to the client computer, much less code that generates metadata.

Therefore, even if it would be obvious to combine the teachings of Adams and Hanson, the combination of references would not teach or suggest *transmitting a client-side application to a file-sharing user having a shared title, the client-side application for generating metadata corresponding to the shared title...* as required by claim 1.

As stated in the Office Action, the combination of Adams and Hanson does not teach bandwidth being allocated to the file-sharing user at a first level...allocated to the querying user at a second level lower than a first level. Dobbins does teach bandwidth being allocated to the file-sharing user at a first level (paragraph 111, lines 1-8, as the subscriber chooses a music selection and interactively selects a download selection)...the bandwidth is allocated to the querying user at a second level lower than a first level (paragraph 111, lines 25-28)...”

First, there is no “file-sharing” user in Dobbins. The Applicant is confused by the reference to the user choosing “a music selection and interactively selects a download selection...” Is the implication that the user’s interactive *download* selection makes the user a

‘file-sharing’ user? If that were true, there would be no difference between a ‘file-sharing’ user and a “querying user.” Claim 1 explicitly requires that the file-sharing user have *a shared title*.

Paragraph 111, lines 1-8 from Dobbins states, “The client node 120 runs a client application allowing *the subscriber to chose a music selection for download from the server node 1110*. This application can be a properly equipped web browser, media player, or another client application that is open to carrying content from multiple providers or dedicated to bringing service only from that online music service. The subscriber at client node 1120 interactively selects a music download selection and the server node 1110 readies the music download for preferred transport by conforming to the agreed application signature and inserting a content tag.”

There is no indication in this text that there are any users in the system that are not querying users. The ‘preferred transport’ apparently relied upon to teach a different level or class of user, is merely the description used to refer to the switch through which the downloaded file travels, Paragraph 0107.

Further, allowing users to purchase more bandwidth is equivalent to allocating bandwidth to users based upon their role. Regardless of how much bandwidth a user purchases, the allocation is not based upon the user being a file-sharing user, as is what is required in claim 1, *bandwidth is allocated to the querying user at a second level lower than a first level*.

Claim 19 requires *higher levels of network resources are allocated to the sharing class than allocated to the searching class*. For the reasons as discussed above with regard to claim 1, the combination of references does not teach or suggest all of the elements of claim 19.

It is therefore submitted that claims 1, 3-7, 13-14, and 19-20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2 and 9-11 were rejected under 35 USC 103(a) as being unpatentable over Adams, in view of Hanson, and further in view of Barker (US Publication No. 2002/0143976) and further in view of Dobbins.

The addition of Barker to the combination does not overcome the failure of the previous combination to teach or suggest all of the limitations of claim 1, as discussed in detail above, and all of these claims depend from claim 1. It is therefore submitted that claims 2 and 9-11 are patentably distinguishable over the prior art and allowance of all claims is requested.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Adams, in view of Hanson, and further in view of Dobbins, and further in view of US Patent Publication Number 2006/0015574, Seed.

The addition of Seed to the combination does not overcome the failure of the previous combination to teach or suggest all of the limitations of claim 1, as discussed in detail above, and claim 8 depends from claim 1. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Adams, in view of Hanson, and further in view of Dobbins, and further in view of US Patent Application Publication Number 2003/0217152, Kasper.

The addition of Seed to the combination does not overcome the failure of the previous combination to teach or suggest all of the limitations of claim 1, as discussed in detail above, and claim 8 depends from claim 1. It is therefore submitted that claim 12 is patentably distinguishable over the prior art and allowance of this claim is requested.

The addition of Kasper to the combination does not overcome the failure of the previous combination to teach or suggest all of the limitations of claim 1, as discussed in detail above, and

all of these claims depend from claim 1. It is therefore submitted that claims 2 and 9-11 are patentably distinguishable over the prior art and allowance of all claims is requested.

Claims 15-18 were rejected under 35 USC 103(a) as unpatentable over Adams, Hanson, Seed, Kasper and Dobbins.

As discussed in detail above, the combination of references at the very least does not teach *receiving metadata from a plurality of file sharing users* (Hanson does not receive metadata), *bandwidth is allocated to the file-sharing users at a first level...bandwidth is allocated to querying users at a second level...*

It is therefore submitted that claims 15-18 are patentably distinguishable over the prior art and allowance of these claims is requested.


Claims 2, 9-11 are rejected under 35 USC 103(a) as being unpatentable over Adams (US Publication No. 2002/0046232) in view of Hanson (US Publication No. 2004/018487) and further in view of Barker et al. (US 2002/0143976) and further in view of Dobbins.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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